



## **ENVIRONMENTAL COMMISSION MEETING MINUTES**

### **Wednesday, September 21, 2016**

**The Environmental Commission convened in a public meeting on Wednesday, September 21, 2016 at City Hall in the Council Chambers at 301 W. 2<sup>nd</sup> Street, Austin, Texas 78701.**

#### **Commissioners in Attendance:**

Richard Grayum  
Linda Guerrero  
Peggy Maceo  
Mary Ann Neely  
Marisa Perales  
Brian Smith  
Hank Smith  
Pam Thompson

#### **Commissioners Absent:**

Andrew Creel  
Michael Moya

#### **Staff in Attendance:**

Andrea Bates  
Sue Barnett  
Zach Baumer  
Kaela Champlin  
Andrew Clamann  
Jessica Coronado  
Danielle Guevara  
Taylor Horton  
Liz Johnson  
Marilyn Lamensdorf  
Chuck Lesniak  
Keith Mars  
Jerry Rusthoven  
Atha Phillips  
Sylvia Pope  
Randy Scott  
Jennifer Walls  
Reem Zoun

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#### **1. CALL TO ORDER**

**Chair Marisa Perales called the meeting to order at 6:01pm.**

#### **2. CITIZEN COMMUNICATION: GENERAL**

*Speakers should sign up to speak prior to the meeting being called to order; you will receive a three-minute allotment to discuss topics not posted on the agenda.*

3. **EDUCATION**

a. None

4. **APPROVAL OF MINUTES AND ACTION**

a. Approve the minutes of the regular Environmental Commission meeting of September 7, 2016. **A correction was made to the minutes of the regular Environmental Commission meeting of September 7, 2016 to reflect that the Environmental Commission met in Council Chambers instead of the Board and Commissions room.**

**The minutes of the regular Environmental Commission meeting of September 7, 2016 were approved on Commissioner Perales' motion and on Commissioner Neely's second. Vote 8-0-2. Commissioners Michael Moya and Andrew Creel were absent.**

5. **ENVIRONMENTAL OFFICER'S UPDATE ON PAST COMMISSION ACTIONS AND REPORT ON ITEMS OF INTEREST**

a. None

6. **STAFF BRIEFINGS\***

a. None

7. **ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**

a. Discuss and consider recommendations for opportunities to increase electrification of the City's Fleet Services vehicles per Resolution 20070215-023 – Zach Baumer, Climate Program Manager, Office of Sustainability; Jennifer Walls, Fleet Services  
**Item conducted as posted. No action taken.**

8. **PUBLIC HEARINGS AND POSSIBLE ACTION**

a. **Name:** 609 River Road, SP-2015-0454DS

**Applicant:** Janis J. Smith (512) 914-3729

**Location:** 609 River Road

**Staff:** Atha Phillips, Environmental Review Specialist Senior, Development Services Department

**Watershed:** Lake Austin (Rural), Drinking Water Protection Zone

**Request:** To allow fill greater than four feet. [LDC 25-8-342(A)]

**Staff Recommendation:** Recommended for approval

**The Environmental Commission recommended Support of the request with conditions on Commissioner Hank Smith's motion and was seconded by Commissioner Neely. Vote 7-1-2. Commissioners Michael Moya and Andrew Creel were absent.**

b. **Name:** Austin Oaks Planned Unit Development, C814-2014-0120

**Owner:** Twelve Lakes, LLC (Jon Ruff)

**Agent:** Graves, Dougherty, Hearon & Moody (Michael Whellan)

**Location:** Southwest corner of Mopac Expressway and Spicewood Springs Road (3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718, and 7719 Wood Hollow Drive)

**Staff:** Andrew Moore, Senior Planner, Planning and Zoning Department; Andrea Bates, Environmental Program Coordinator, Watershed Protection Department

**Watershed:** Shoal Creek Watershed (Urban) Desired Development Zone

**Request:** Review and consider for recommendation the environmental aspects of the proposed PUD, including code modifications and environmental superiority

**Staff Recommendation:** Recommended with conditions

**Commissioner Marisa Perales made a motion to close the public hearing and was seconded by Commissioner Grayum. Vote 8-0-2. Commissioners Michael Moya and Andrew Creel were absent.**

**Commissioner Hank Smith made a motion to extend the meeting beyond 10:00 pm. Vote 8-0-2. Commissioners Michael Moya and Andrew Creel were absent.**

**The Environmental Commission recommended approval of the request with conditions on Commissioner Smith's motion and was seconded by Commissioner Grayum.**

**Commissioner Maceo made a substitute motion to send Item 8b to a joint committee meeting and was seconded by Commissioner Pam Thomson. Vote 6-2-2. Commissioners Michael Moya and Andrew Creel were absent.**

**Speakers:**

**Michael Whellan**

**Jon Ruff**

**Joyce Stats provided handout entitled Northwest Austin Civic Association Resolution No. 2016-5**

**Madeline Highsmith provided handout of presentation on Austin Oaks**

**Brad Parsons provided handouts entitled Austin Oaks Project: Diameter inches of unprotected trees in undisturbed areas and Threatened Austin Oaks Heritage and Protected Trees**

**9. COMMITTEE REPORTS**

- a. Urban Growth Policy Committee – Marisa Perales, Pam Thompson, and Hank Smith
- b. Development Committee – Marisa Perales, Richard Grayum, Pam Thompson, and Hank Smith
- c. Water Quality Regulations Committee – Mary Ann Neely, Brian Smith, Peggy Maceo, Pam Thompson, Hank Smith, Richard Grayum, and Andrew Creel
- d. Watershed Protection Budget Committee – Marisa Perales, Mary Ann Neely, Andrew Creel, and Pam Thompson
- e. Air Quality Committee – Marisa Perales, Mary Ann Neely, Andrew Creel, Peggy Maceo, and Pam Thompson, Linda Guerrero
- f. Urban Forestry Committee – Peggy Maceo, Pam Thompson, Linda Guerrero and Mary Ann Neely
- g. Report on the Open Space, Environment, and Sustainability Council Committee – Marisa Perales
- h. Report from Pam Thompson on the Parkland Events Task Force  
**A report was provided by Commissioner Pam Thompson.**
- i. Report from Mary Ann Neely on the Joint Sustainability Committee
- j. Report from Mary Ann Neely on the Balcones Canyon Conservation Plan Citizen's Advisory Committee

k. Report on the Joint Committee of the Environmental Commission and Parks and Recreation Board – Linda Guerrero, Mary Ann Neely, Peggy Maceo, and Michael Moya

l. Other reports from Commissioners

**10. NEW BUSINESS – Future agenda items**

**11. ADJOURNMENT**

**Chair Marisa Perales adjourned the meeting at 10:07 p.m.**

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. For additional information, please call **Kaela Champlin**, Watershed Protection Department, at (512) 974-3443; TTY users route through Relay Texas at 711. For more information on the Environmental Commission, please contact **Kaela Champlin**, Watershed Protection Department, at (512) 974-3443.

*\* A member of the public may not address a board or commission at a meeting on an item posted as a briefing, per City Code Section 2-1-144(E).  
4(E).*





nwaca

NORTHWEST AUSTIN  
CIVIC ASSOCIATION

RESOLUTION NO. 2016-5

WHEREAS, on February 10, 2016, the Northwest Austin Civic Association (NWACA) Board of Directors passed a resolution endorsing the process of the Austin Oaks Charrette and supporting the charrette outcome; and,

WHEREAS, since that time a subcommittee of the NWACA Zoning Committee has carefully examined each submission of Spire Realty, as well as the responses of City Staff, to verify that the resulting submission from the applicant supports the outcome of the charrette; and,

WHEREAS, the subcommittee discussed items in the submission that were at odds with the charrette outcome with both the applicant and various City staff; and,

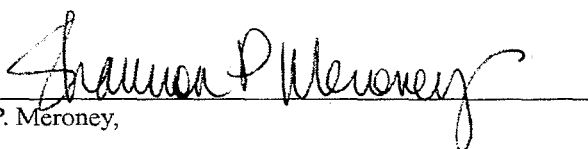
WHEREAS, the items at issue were resolved in the submission, with significant and necessary detail reflected in the submission; NOW,

THEREFORE, BE IT RESOLVED BY THE NORTHWEST AUSTIN CIVIC ASSOCIATION (NWACA) Board of Directors THAT:

The NWACA Board of Directors finds that the applicant's PUD submission, as of September 1, 2016 supports the Austin Oaks Charrette outcome. Exhibit C (the Land Use Plan) of the September 1, 2016 submission, depicting building footprints, uses, height, and square feet reflects the charrette outcome and it is essential to maintaining the integrity of the charrette outcome.

ADOPTED: September 14, 2016

ATTEST:

  
Shannon P. Meroney,  
Secretary

P.O. BOX 26654 | AUSTIN | TX | 78755 | NWACA.ORG

# *Elevation*

**1. MEAN SEA LEVEL**

**2. DRAINAGE**

**(a.k.a. flooding & run-off  
OR “watershed”)**



# Austin Oaks: SITE ELEVATION TODAY



9-21-2016

Austin Oaks PUD Case

Mhighsmith@me.com



# TODAY @ Austin

## Oaks Impervious Cover & Tree Canopy

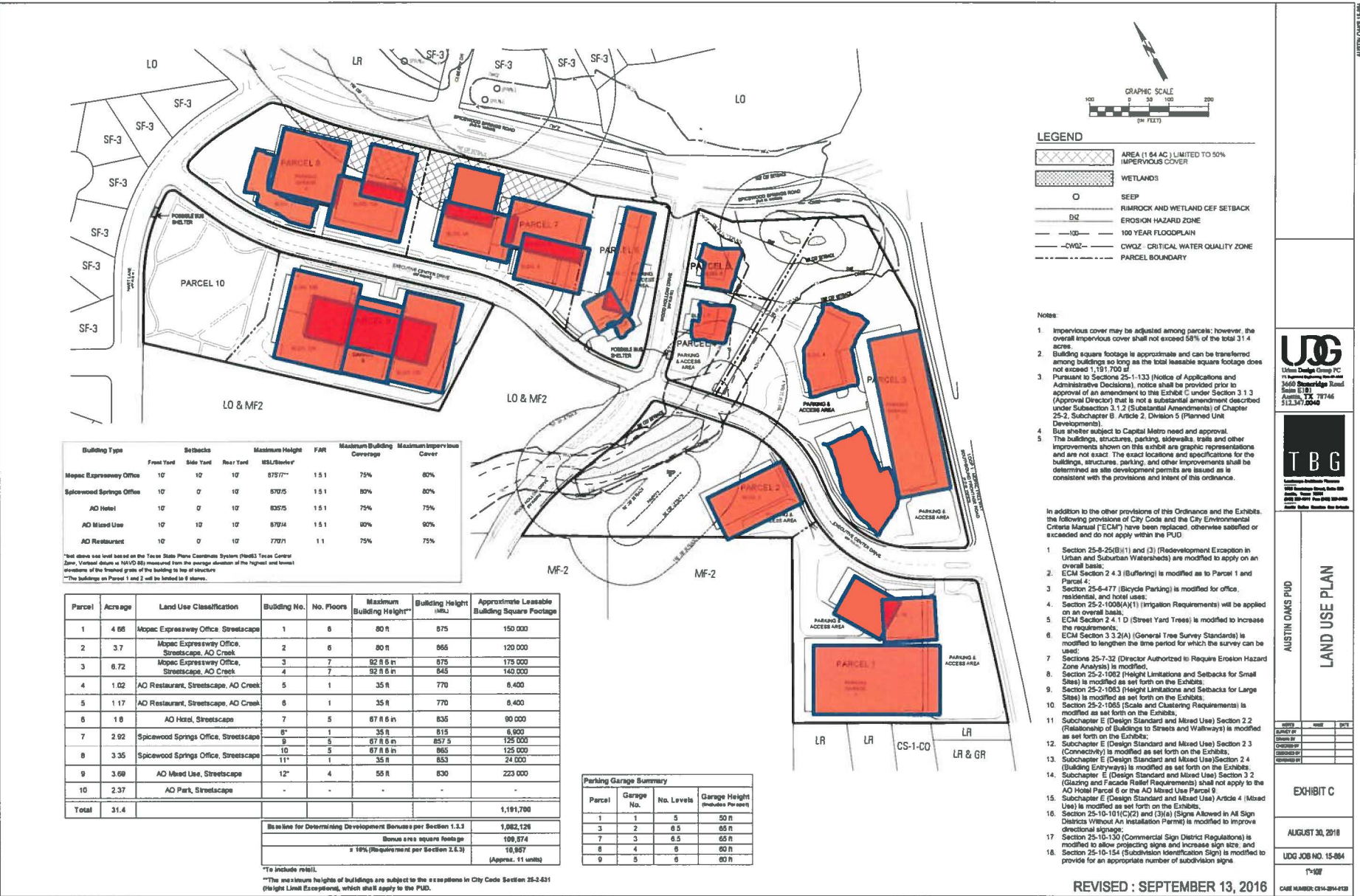
Existing development: 12 low-rise office buildings (8 two-story & 4 three-story W/ zero parking garages) 446,000 square feet office floor area, Mature Wooded Tree Canopy over ALL Surface Parking and individually zoned parcels





# PROPOSED @ Austin Oaks: (LUP)

23 buildings (5 are car park garages), Up to 8+ stories tall, Elimination of 50+% of the Tree Canopy, and Significant changes to the topography and grade changing the watershed in the negative for neighboring property owners.





**23 buildings (5 are car park garages), Up to 8+ stories tall, Elimination of 50+% of the Tree Canopy, and Significant changes to the topography and grade changing the watershed in the negative for neighboring property owners.**



# The Question of *Elevation*

In terms of (MSL)

## 1. MEAN SEA LEVEL

VS

*Feet*



# Use FEET (FT) to Measure Height not Mean Sea Level (MSL)

9-21-2016  
Austin Oaks PUD Case  
M. Highsmith

Using Mean Sea Level (MSL) is an OPAQUE and MISLEADING MEASURE.

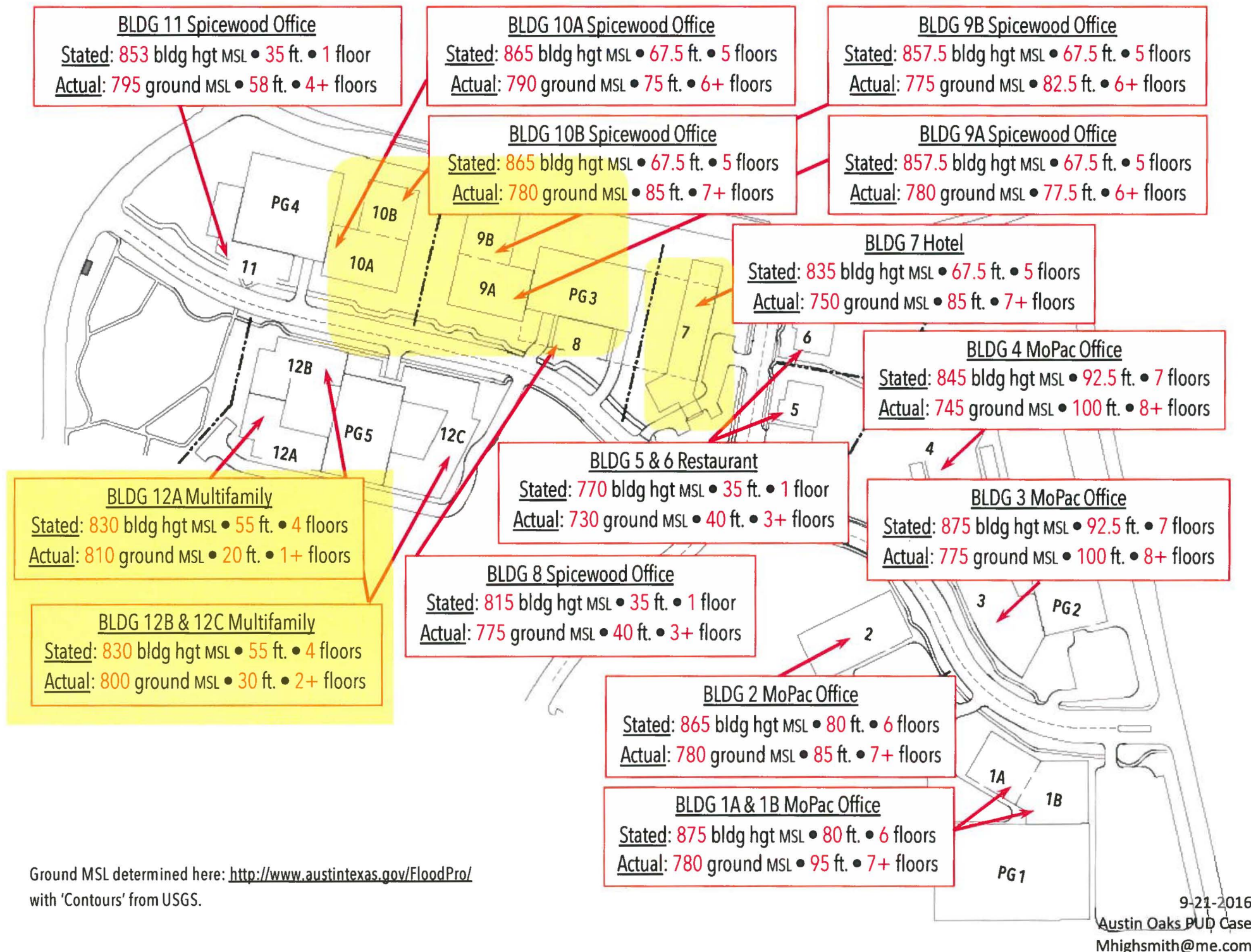
Let's STICK to BUILDING HEIGHT STANDARDS to be MEASURED in FEET ONLY.

A	B	C	D	E	F	G	H	I	J
Bldg#	Stated Bldg LUP TOS MSL	Ground MSL	Real Bldg Hgt MSL-Feet	Real Bldg Hgt MSL-# floors	Stated Bldg Hgt TOS-Feet	Stated Bldg Hgt-# floors	Feet Diff. between Stated & MSL		
1A	875	780	95	7.9	80	6	15	1+ fl higher on MSL	
1B	875	780	95	7.9	80	6	15	1+ fl higher on MSL	
2	865	780	85	7.1	80	6	5	1+	
3	875	775	100	8.3	92.5	7	7.5	1+	
4	845	745	100	8.3	92.5	7	7.5	1+	
5	770	730	40	3.3	35	1	5		
6	770	730	40	3.3	35	1	5		
7	835	750	85	7.1	67.5	5	17.5	1+ fl higher on MSL	
8	815	775	40	3.3	35	1	5		
9A	857.5	780	77.5	6.5	67.5	5	10	1+ fl higher on MSL	
9B	857.5	775	82.5	6.9	67.5	5	15	1+ fl higher on MSL	
10A	865	790	75	6.3	67.5	5	7.5	1+	
10B	865	780	85	7.1	67.5	5	17.5	2+ fl higher on MSL	
11	853	795	58	4.8	35	1	23	Error 3+ fl higher on MSL	
12A	830	810	20	1.7	55	4	-35	Error 2 floors too low MSL	
12B	830	800	30	2.5	55	4	-25	Error 2 floors too low MSL	
12C	830	800	30	2.5	55	4	-25	Error 2 floors too low MSL	

**\*BACKGROUND:** MSL was used for illustrative purposes during the Charrette process to provide Stakeholder Residents of various *Elevations* surrounding the property with a means to consider their own *Elevation* and flood run off (drainage) as well as HEIGHT impact respective to their location.

9-21-2016  
Austin Oaks PUD Case  
Mhighsmith@me.com





## SUMMARY POINT #1:

### Use FEET (FT) to Measure Height not Mean Sea Level (MSL)

1. Please do not allow Mean Sea Level measures of this application,
2. Please stick to Building Heights Measured in FEET.
3. MEAN SEA LEVEL –Varies by as much as **40 FT in one parcel** on this property.
4. We need to remove Mean Sea Level from the Land Use Plan entirely and rely on measurable building height in FEET from the ground level.
5. During the Charrette the MSL was asked for to illustrate to neighbors the height seen from North Shoal Creek, Balcones North, Allandale and North West Hills varying elevations.
6. WE NEED TO NOT USE MEAN SEA LEVEL IN THIS LAND USE PLAN AT ALL.
7. IT IMPLIES a SPECIFICITY of a SITE PLAN but it is not the Owner/Developer's SITE PLAN and is therefore MISLEADING, intentionally or otherwise.
8. **WE ASK YOU to TAKE THE MEAN SEA LEVEL HEIGHT OUT OF THIS PLAN ENTIRELY.**
9. IT IS AN OPAQUE and MISLEADING MEASURE.

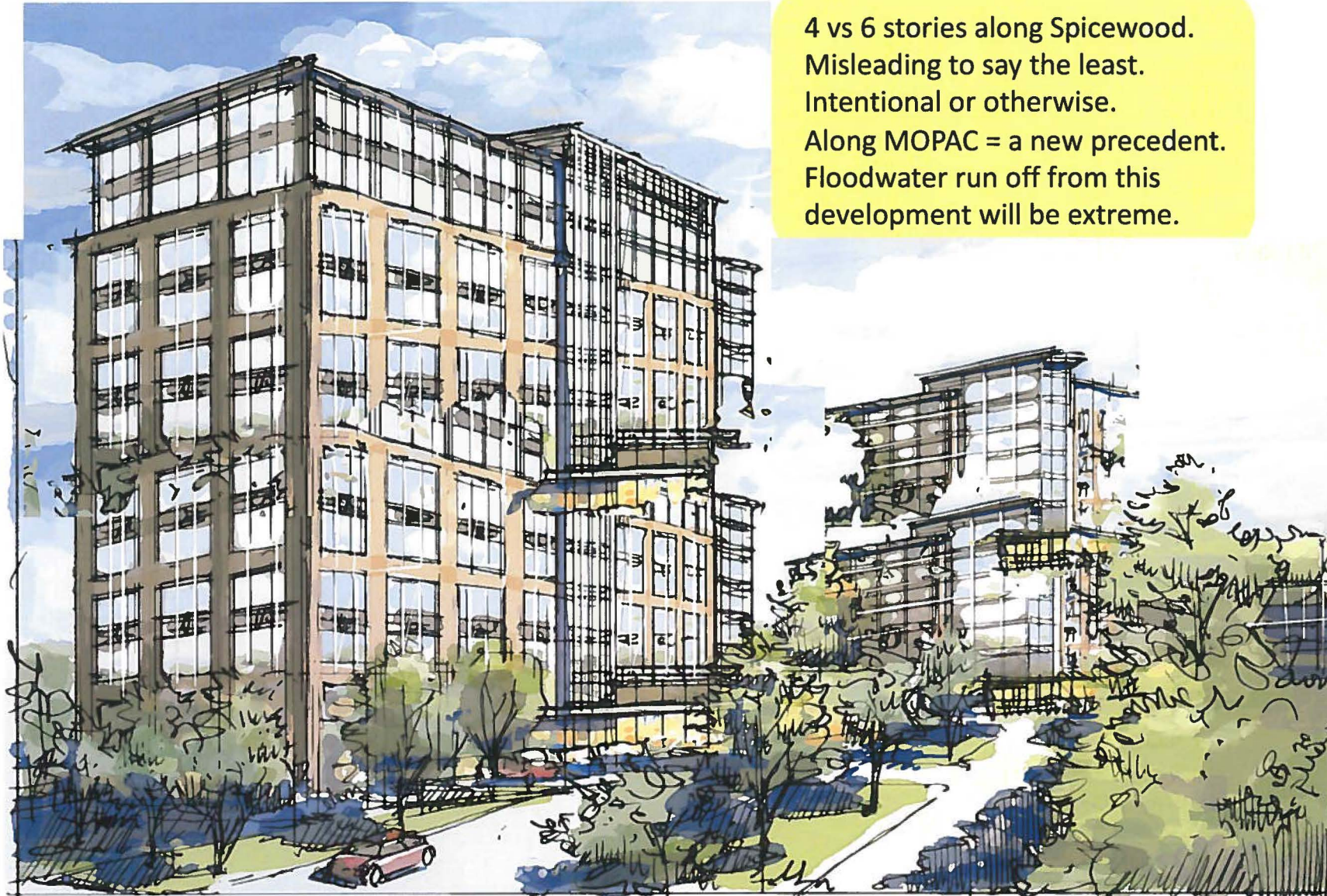


**We were shown these 4 Story Building Rendering from this  
PUD Process since its inception...**  
Actual images prepared by the Owner & Their Agent and Design Agencies





**WHAT it will ACTUALLY be LIKE based on the HEIGHT shown per MSL  
and Building Height FT per the TABLES by Developer.**



4 vs 6 stories along Spicewood.  
Misleading to say the least.  
Intentional or otherwise.  
Along MOPAC = a new precedent.  
Floodwater run off from this  
development will be extreme.

9-21-2016

Austin Oaks PUD Case  
Mhighsmith@me.com

The Question of

*Elevation*

In terms of

**2. DRAINAGE**

a.k.a.

*Floodwater Run-Off*

or *Watershed*



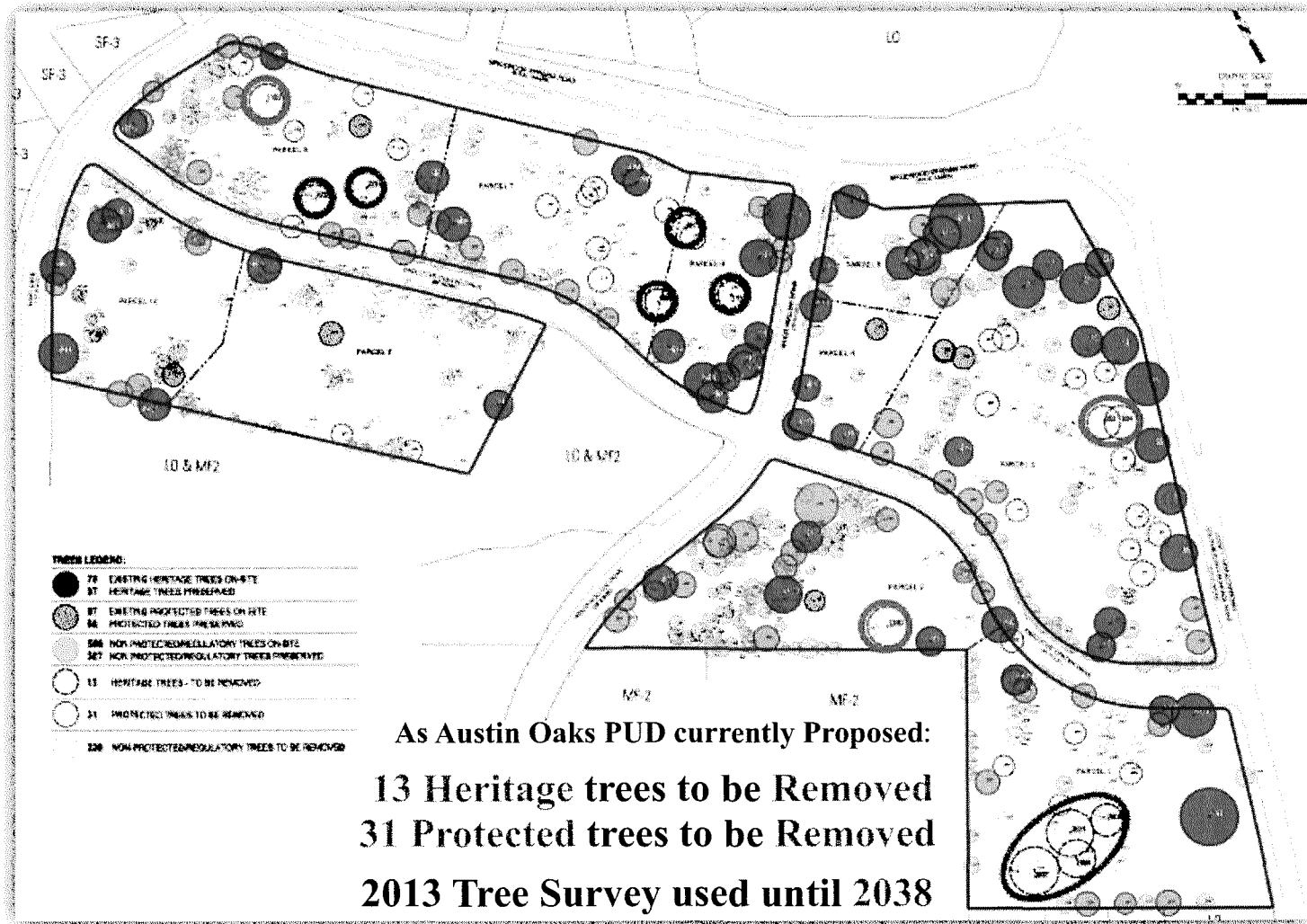
## SUMMARY POINT #2:

Measure Flood water run off *parcel by parcel* due to EXTREME *Elevation* VARIANCES. Don't measure flood water run off in the AGGREGATE across all parcels. See building plan slide #4 for evidence.

1. We ask you not to allow for the measure of drainage and watershed "run-off" to be calculated in the AGGREGATE across of all the parcels, but rather parcel by parcel because of the extreme elevation differences.
2. Staff has not agreed to allow this AGGREGATE run-off calculation, but the Owner/Developer and their Agent continue to leave this language in the Application.
3. (\*Note: Recall in the previous version the "retention pond" at the TOP of the HILL on HART & EXECUTIVE CENTER DR.? In this current version the drainage is limited to the creek area.)
4. Fewer Trees to capture water and drink it will contribute to the flood run off on this property.
5. Mean Sea Level notations and Building Height notations in the current version indicate extreme SCRAPING of the topography which will CHANGE the RUN OFF to the neighboring properties and the natural WATERSHED.
6. Because the developer is planning the development using *the assumption of AGGREGATE drainage across all parcels*, flood run off will be greater. **(Versus IF development is planned in consideration of flood run off parcel by parcel given the EXTREMEM height variances across all parcels. ← Preferred by the Community.)**
7. Originally zoned based on the topography many years ago by city land specialists for both environmental and commercial land use. Just because its old doesn't mean it was dumb.
8. *Again, Environmental Commissioners, please do NOT allow AGGREGATE DRAINAGE Calculations. Its bad for the downstream watershed and flooding of neighboring property owners.*

*Thank You!*  
*for your consideration.*

# Threatened Austin Oaks Heritage & Protected Trees



*Applicant's Exhibit F, Excerpt, Annotated*



# AO Tree Initial Recommendations:

- **EC should not sign off** on the cutting down of **13 healthy Heritage trees and 31 Protected trees**.
- **Tree Survey** in the Austin Oaks PUD can and should be done **every 5 years**, can actually work to everyone's advantage.
- **+30" Heritage Trees** should have to go through the **same review process as presently req. by code**.
- Requirements for determining what is **"superiority"** with regard to trees in a PUD should **remain the same** that they are in existing city code. No new precedent.
- Representations of **estimated, unsurveyed trees** should be taken out of the case and **not combined with surveyed tree numbers** for the purposes of trying to show "superiority." "Apples to apples."
- **All variances and modifications to code**, esp. with regard to trees, should be **disclosed in the applicant's filings** (Exhibits) in agreement with Staff filings.

## Env. Staff Memo to EC on this PUD Sept. 2, 2016

The following summarizes the proposed modifications to environmental requirements:

- **25-2-1008(A), *Irrigation Requirements*** – Section 25-2-1008(A) is modified to apply to the PUD overall rather than on a parcel-by-parcel basis.
- **Environmental Criteria Manual (ECM) Section 2.4.3, *Buffering*** – The buffering requirements are modified to allow plants (excluding trees) used as buffering elements on Parcels 1 and 4 to be planted in a permeable landscape area at least three feet wide, rather than eight feet wide as currently required.
- **25-7-32, *Director Authorized to Require Erosion Hazard Zone Analysis*** – An analysis was performed and the erosion hazard zone was identified with the PUD application. Additional analysis shall not be required for any future development applications.
- **25-7-61(A)(5), *Criteria for Approval of Development Applications, and Drainage Criteria Manual 1.2.2.A and D, General*** – The analysis of additional adverse flooding impact shall be based on the PUD boundaries rather than parcel boundaries.
- **25-8-25(B)(1) and (3), *Redevelopment Exception in Urban and Suburban Watersheds*** – Sections 25-8-25(B)(1) and (3) (impervious cover and trip limits) shall apply to the PUD overall rather than on a parcel-by-parcel basis.
- **25-8-641(B), *Heritage Tree Removal Prohibited*** – Thirteen heritage trees identified on the applicant's Exhibit F – Tree Plan may be removed without an administrative or land use commission variance as required by current code.
- **ECM Section 3.3.2.A, *General Tree Survey Standards*** – The tree survey submitted with the PUD, dated November 22, 2013, may be used for 25 years instead of five years as currently required. Applications filed after November 22, 2038 will require a new tree survey.
- **ECM Section 3.5.4, *Mitigation Measures*** – Tree mitigation credit shall be granted for removing existing impervious cover from the critical root zone of preserved trees.

## Tier 2 Criteria: Superiority

7

(Continued)

- Volumetric detention
- Upgrade sub-standard off-site drainage infrastructure
- No modification to 100 year floodplain
- Use natural channel design per CoA criteria
- Restore degraded riparian areas in CWQZ
- Remove existing IC in CWQZ
- Preserve all heritage trees, preserve 75% of cal. inches of native protected, and 75% cal. inches of all native trees

## **Staff Presentation to EC on PUDs Nov. 18, 2015**

- **Preserve all heritage trees, preserve 75% of cal. inches of native protected, and 75% cal. inches of all native trees**

## **Staff Presentation to EC on this PUD Sept. 21, 2016**

### **Proposed Environmental Superiority Elements**

3. The PUD will preserve a minimum of 75 percent of all caliper inches of heritage and protected trees (calculated together) and a minimum of 75 percent of all native caliper inches (including trees one inch in diameter at breast height or larger).
- **Tree protection**
    - Preserve at least 75% of all caliper inches of heritage and protected trees (together)
    - Preserve at least 75% of all native caliper inches (trees 1" DBH and larger)

**Applicant proposing to preserve 57/70 Heritage Trees = 80.9% < 100%**

**Applicant proposing to preserve 66/97 Protected Trees = 69.2% < 75%**

**Applicant proposing to preserve 7137" of 11339" Surveyed = 62.9% < 75%**

**None of those are "Superior"**

**Applicant proposing to preserve 7137” of 11339” Surveyed = 62.9% < 75%**

**62.9% almost the exact same that the prior agent proposed for this PUD back in 2015:**

35. The project will comply with existing standards in the City Code as of the effective date of the PUD regarding tree removal and mitigation; provided that:
  - a. The measurements of trees within the project shall be based on the tree survey completed on November 22, 2013;
  - b. The project will preserve more than 63% of the overall caliper tree inches within the project;
  - c. The project will preserve a minimum of 90% of the caliper inches of heritage trees (24 inches and larger); trees identified as 1038, 1075, 1077, 1108, 2107, 2173, 2227 and 2233 on the tree survey included as Page 4 of the Land Use Plan may be removed;
  - d. Tree number 1079 shall be relocated in either Area A or G under the supervision of the City Arborist;
  - e. The project shall relocate a minimum of 300 inches of trees less than 12 inches in size within the project;
  - f. All proposed impacts within the ½ critical root zone must be performed to meet with the intent of the tree preservation ordinance and are subject to review and/or modification by the City Arborist;
  - g. The project will develop and adopt a formal tree care plan as part of the site

**Need to get that figure up to 75%, How to?**

**Quote: “Lies, damned lies, and statistics.”**

**-- Mark Twain's Autobiography: The  
Chapters from the North American Review**

# What about the UNSURVEYED trees 8" diameter and below?

Client:  
Spire Reality Group LP  
Austin Oaks Development  
Austin, TX 78731

4/6/16



## Austin Oaks Project: Diameter inches of unprotected trees in undisturbed areas

Bartlett Tree Experts was asked to provide an accurate estimate of total non-protected tree diameter inches in trees less than 8" in diameter located within two undisturbed areas (Area 1 & Area 3) located at the Austin Oaks Business Park. In order to provide such an estimate we determined that utilizing sample plots would provide the necessary accuracy.

### Methodology:

In Area 1 we demarked 6 sample plots that best represented the tree population. 3 sample plots were used to estimate total diameter inches of non-invasive species. Each sample plot encompassed 100 sq.ft.. The 3 plots were averaged and extrapolated based on square footage of the area to arrive at the estimate. In order to provide a more accurate estimate, we demarked and calculated the non-wooded grassy areas within Area 1. We then subtracted that measurement from the total sq. ft. provided.

In Area 3 we utilized a combination of sample plots and physically measuring diameter depending on the terrain and accessibility. The portion of Area 3 located along Spicewood Springs Rd. had quite a steep escarpment that was simply too dangerous attempt physical measurements. In this portion of Area 3 we demarked 2 sample plots encompassing 100 sq.ft.. The total diameter inches non-invasive species were counted due to the limited choices of accessible area. In the remainder of Area 3 we simply measured and recorded each tree.

### Area 1:

- Sample plot 1- 10'X10'; non-invasive  
15.75" total diameter inches  
Hackberry, Cedar Elm, Mexican buckeye
- Sample plot 2- 10'X10'; non-invasive  
8.25" total diameter inches  
Hackberry, Boxelder
- Sample plot 3- 10'X10'; non-invasive  
20.00" total diameter inches  
Hackberry, Pecan

Average diameter inches per 100 sq.ft. is 14.67"  
Total sq.ft. is 41,720  
Estimated total diameter inches is 6120.32"

### Area 3:

-Physical count areas- noted on map  
186.75" total diameter inches non-invasive  
Live Oak, Cedar Elm, Hackberry, Gum bumelia, Yaupon

-Sample plot 7- 5'X20'  
21.00" total diameter inches non-invasive  
Cedar Elm, Hackberry, Ash, Yaupon

-Sample plot 8- 5'X20'  
25.50" total diameter inches non-invasive  
Cedar Elm, Hackberry, Ash, Yaupon

Average diameter inches per 100 sq.ft.:  
Non-invasive is 23.25"  
Total sample area sq.ft. is 3,213  
Estimated total diameter inches in sample area:  
Non-invasive is 747.02"  
Physical count 186.75"

Total estimated diameter inches for Area 3:  
Non-invasive is 933.77"

4202		7137	
Tree REMOVAL Accounting Summary		Tree PRESERVATION Accounting Summary	
Total Caliper Inches Surveyed 11,339		11,339 Total Caliper Inches Surveyed	
Total heritage cal. inches 30"+ removed	248	900 Total heritage cal. inches 30"+	
Total heritage cal. inches 24"+ removed	157	819 Total heritage cal. inches 24"+	
Total cal. inches removed, Appendix F, 19" & up	838	1438 Total cal. inches, Appendix F, 19" & up	
Total cal. inches removed, Appendix F, 8"-18.9"	3075	3555 Total cal. inches, Appendix F, 8"-18.9"	
Total cal. inches removed, NON-Appendix F, 19" & up	0	20 Total cal. inches, NON-Appendix F, 19" & up	
Total cal. inches removed, NON-Appendix F, 8"-18.9"	37	24 Total cal. inches, NON-Appendix F, 8"-18.9"	
Total cal. inches removed, Appendix F, <8"	0	0 Total cal. inches, Appendix F, <8"	
Total cal. inches removed, NON-Appendix F, <8"	0	0 Total cal. inches, NON-Appendix F, <8"	
Total cal. inches removed, Invasives	48	381 Total cal. inches, Invasives	
Total cal inches removed:	4202	7137 Total cal inches PRESERVED	
Percent cal inches REMOVED OVERALL:	37.1%	62.9% Percent cal. inches PRESERVED OVERALL	
		Preserved Tree Summary:	
		1,719 80.9% Cal Inches of Heritage PRESERVED	2124 Total cal Inches of Heritage
		1,438 68.2% Cal Inches of Protected PRESERVED	2077 Total cal Inches of Protected
		3,960 55.8% Cal Inches of Regulatory & Non Regulatory PRESERVED	7,136.00 Total cal. inches of Regulatory & Non
		7,137 62.9% Total cal inches PRESERVED	11,339.00 Total cal inches
		7,054 100.0% Total cal. inches <8" PRESERVED	7,054 Total cal. inches <8"
		14,191 77.2% Total cal inches PRESERVED	18,393.09 Total cal inches
		3,157 Total cal inches Heritage & Protected PRESERVED	
		11,034 Total cal inches Regulatory & Non Regulatory PRESERVED	

- "Preserve at least 75% of all native caliper inches (trees 1" DBH and larger)" This comes from applicant representations added to the bottom of their "AO - CALCS\_Tree Preservation\_08-30-2016" tree list file. The applicant never fully surveyed the trees below 8" on the whole property. In the recent Bartlett Tree sampling memo that Bartlett did for the applicant, they reference 8 samples but show only 5 samples of 10'x10' and 5'x10' of trees less than 8" in two areas of the property. Bartlett then estimated what the number of caliper inches might be in those two areas of the property for trees below 8". Neither Bartlett nor the original tree survey from 2013 actually surveyed all of the trees below 8" on the property. The applicant adds those unsurveyed, estimated caliper inches to the actual trees survey from 2013 at the bottom of "AO - CALCS\_Tree Preservation\_08-30-2016" to come to the conclusion that the current plan "Preserve at least 75% of all native caliper inches (trees 1" DBH and larger)." That conclusion cannot be drawn from the Bartlett sampling and should not be part of the basis of determining "superiority." REQUIRE THAT THE APPLICANT TAKE SAMPLED ESTIMATES OF TREES BELOW 8" OUT OF ALL OF THEIR REPRESENTATIONS COMBINED WITH ACTUAL SURVEYED TREES. NO SUPERIORITY HERE EITHER.

# Applicant Requesting to use a Tree Survey for 25 years

The applicant seeks variance to use the 2013 Tree Survey for 25 years until 2038, including mitigations inches to be determined by the 2013 measurement until 2038. Commission backup does not show the wording in which the applicant seeks to memorialize this unprecedented, precedent setting proposal:

"PART 9. Environmental

"3. Trees shall be installed in accordance with Exhibit J (Tree Plan) as each Parcel is redeveloped. Pursuant to Chapter 25-8, Subchapter B and the City of Austin Environmental Criteria Manual Section 3, the tree survey dated November 22, 2013 identifies the protected and heritage trees and Exhibit J identifies which protected and heritage trees will be removed; any application for a site development permit filed after November 22, 2038 will require a new tree survey..." **(Reference to this is also posted as Modifications to Code on Exhibit J, in backup)**

It is important to note that there are solutions that do not require the precedent of using a tree survey for 25 years instead of the 5 years required in City Code. KEEP SURVEY TO CODE EVERY 5 YEARS, FINAL DECISION ON EACH TREE SHOULD BE AT SITE PLAN. MORE DETAIL ON THIS TO WORK.

**Interesting to note that the applicant's TIA shows full build out by 2024. Yet they are requesting here to use the 2013 Tree Survey until 2038.**



# Staff's Comments Master Review Report #5

Sept. 6, 2016

WPD Environmental Office Review – Andrea Bates - 512-974-2291

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e. *Tree preservation*: Change “yes” to “yes as modified,” since the proposal does not meet all three criteria listed in the code.

EO 12. *Tier 2, #2, environment*. Please continue to work with staff to determine whether the proposed tree removal, protection, and mitigation meet code, require a code modification, and/or contribute to environmental superiority.

Update 4: Repeat comment.

EO 26. *Part 9, 4*. Please continue to work with staff to determine whether the proposed tree removal, protection, and mitigation meet code, require a code modification, and/or contribute to environmental superiority.

# Staff's Comments Master Review Report #5

City Arborist Review - Keith Mars - 512-974-2755

CA #6: Part 9 statement 4: Staff does not agree with setting the tree survey date as 2013. Per

[http://www.austintexas.gov/devreview/b\\_showpublicpermitfolderdetails\\_att.jsp?AttachmentRSN=4137864](http://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails_att.jsp?AttachmentRSN=4137864)

9/16/16, 7:51 AM  
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the ECM surveys must be five years or more recent at the time of site plan submittal.

Update #1: Staff concurs with the timeline for the tree survey.

CA #7: Part 9 statement 4: Staff does not agree with the statement that, "no additional mitigation will be required and no other trees will be identified as protected or heritage trees".

Update #1: Comment cleared. Statement has been removed from the proposed ordinance

CA #8: On the Tier 1 and Tier 2 document I do not see any documentation that supports the statement that more than 7,000 inches of trees less than 8" will be preserved.

Update #1: Comment partially addressed. Tier II is partially met.

Tier II

Protect all heritage- The table needs to state "met as modified". Include the % of heritage proposed to be protected and removed.

Protect 75% of protected- Between protected and heritage trees, it appears greater than 75% are preserved. But, as discussed, where you able to identify the additional protected trees/inches to achieve 75% or greater of Protected Trees?

Protect 75% of all native inches- Please identify the size range on the "diameter inches of unprotected trees in undisturbed areas" tree sampling so we can modify this to state 75% of all native inches (insert inches). and greater.

## Final Recommendations

CITY ARBORIST SHOULD ALSO HAVE TO DO THE NORMAL FULL REPORT ON EACH OF THE HERITAGE TREES REQUESTED TO BE CUT DOWN IN THE PUD. (Not in backup)

It has been verified that at least 4 of the 31 Protected Trees requested to be cut down in the 2013 Survey now objectively measure 24 inches in diameter, should be Heritage Trees and evaluated appropriately (#2118, #1081, #1074, #975). Pics of the trees. TRY TO EVALUATE TO TRANSPLANT OR DESIGN AROUND AT LEAST 4 ADDITIONAL OF THE PARTICULARLY IMPRESSIVE PROTECTED/HERITAGE TREES (INCLUDING #1028, #2219, #1097, #1009).

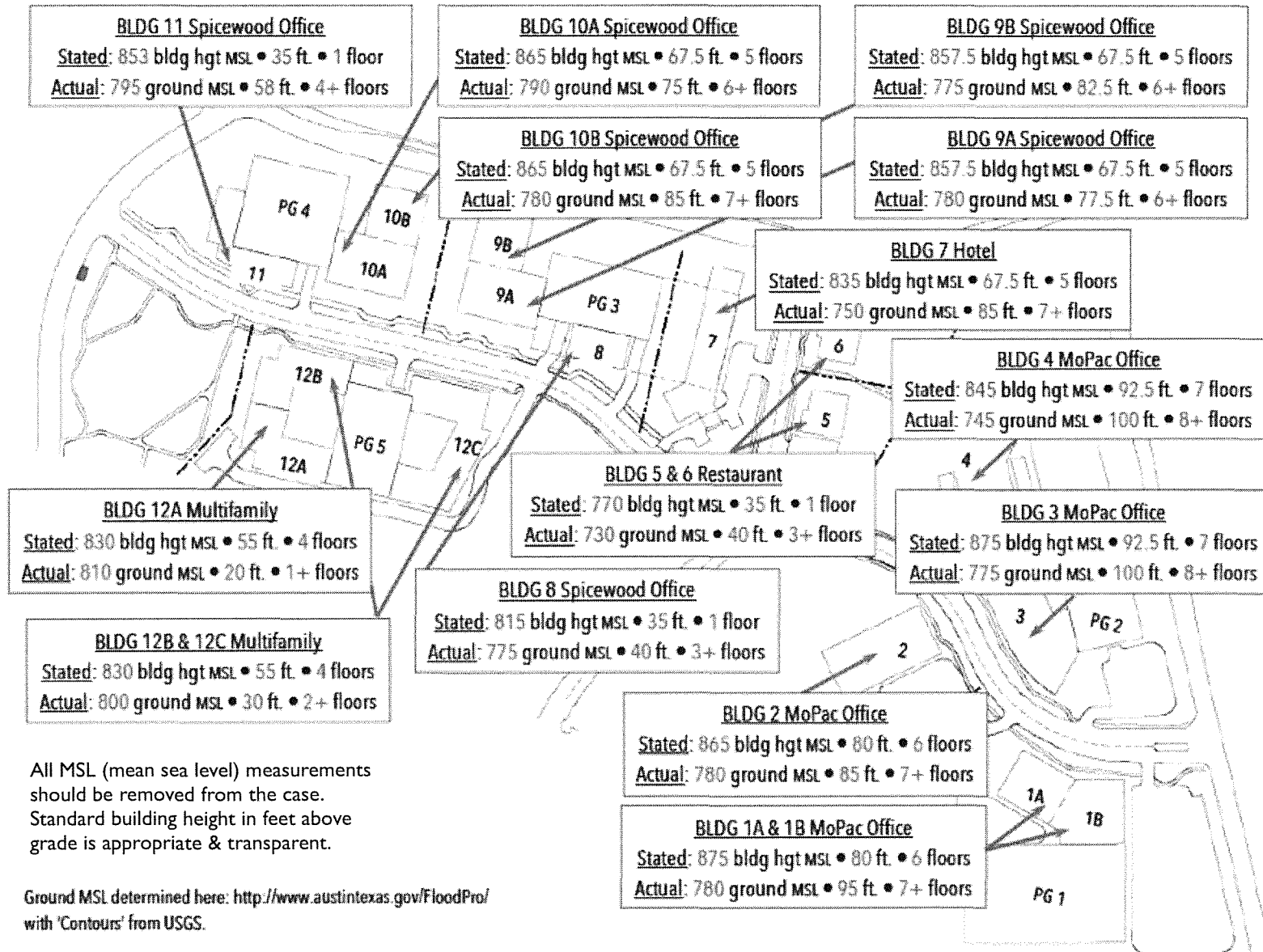
Lastly, the applicant includes 7 x +30" healthy trees in their request to cut down under the proposed PUD, WITHOUT REVIEW. EC SHOULD REQUIRE THAT ALL 30" OR GREATER TREES HAVE TO CONTINUE TO GO THROUGH THE ESTABLISHED REVIEW PROCESS IF EVENTUALLY ARE REQUESTED TO BE REMOVED. (It is our belief that most of those can be cost effectively designed around.)

From Staff's latest Master Review Report #5 it is clear by the comments, questions, and pending answers that a number of the comments have not been cleared and the reviews have not all been completed. We listed those out in an email to you. Particularly with regard to the Tree Plan we request that the hearing be held open and that this PUD case be sent to an EC Committee as EC members have indicated a willingness to do in the past especially in the case of complex PUDs that have significant unresolved matters.

# AO Tree Recommendations Recap:

- **Tree Survey** in the Austin Oaks PUD can and should be done **every 5 years**, can actually work to everyone's advantage.
- **+30" Heritage Trees** should have to go through the **same review process as presently req. by code**.
- Requirements for determining what is **"superiority"** with regard to trees in a PUD should remain the same that they are in existing city code. **No new precedent.**
- Representations of **estimated, unsurveyed trees** should be taken out of the case and **not combined with surveyed tree numbers** for the purposes of determining "superiority." "Apples to apples."
- **All variances and modifications to code**, esp. with regard to trees, should be **disclosed in the applicant's filings** (Exhibits) in agreement with Staff filings.
- Applicant should attempt to **design around at least 4 specific +30" Heritage trees** currently asking to cut down.
- **EC should not sign off** on the cutting down of **13 healthy Heritage trees and 31 Protected trees**.
- **To avoid bad precedent, Environmental Commission should consider referring this Austin Oaks PUD case to committee** to finalize tree recommendations, and **to allow for all Staff reviews (besides the TIA) and Staff Master Review Updates** to catch up to the case hearing schedule.

# LUP MSL Building Height discrepancies



# LUP MSL Building Height discrepancies

Bldg#	Stated Bldg LUP TOS MSL	Ground MSL	Real Bldg Hgt MSL-Feet	Real Bldg Hgt MSL-# floors	Stated Bldg Hgt TOS-Feet	Stated Bldg Hgt-# floors	Feet Diff. between Stated & MSL
1A	875	780	95	7.9	80	6	15 1+ fl higher on MSL
1B	875	780	95	7.9	80	6	15 1+ fl higher on MSL
2	865	780	85	7.1	80	6	5 1+
3	875	775	100	8.3	92.5	7	7.5 1+
4	845	745	100	8.3	92.5	7	7.5 1+
5	770	730	40	3.3	35	1	5
6	770	730	40	3.3	35	1	5
7	835	750	85	7.1	67.5	5	17.5 1+ fl higher on MSL
8	815	775	40	3.3	35	1	5
9A	857.5	780	77.5	6.5	67.5	5	10 1+ fl higher on MSL
9B	857.5	775	82.5	6.9	67.5	5	15 1+ fl higher on MSL
10A	865	790	75	6.3	67.5	5	7.5 1+
10B	865	780	85	7.1	67.5	5	17.5 2+ fl higher on MSL
11	853	795	58	4.8	35	1	23 Error 3+ fl higher on MSL
12A	830	810	20	1.7	55	4	-35 Error 2 floors too low MSL
12B	830	800	30	2.5	55	4	-25 Error 2 floors too low MSL
12C	830	800	30	2.5	55	4	-25 Error 2 floors too low MSL

Client:  
Spire Reality Group LP  
Austin Oaks Development  
Austin, TX 78731

4/6/16



## **Austin Oaks Project:**

### **Diameter inches of unprotected trees in undisturbed areas**

Bartlett Tree Experts was asked to provide an accurate estimate of total non-protected tree diameter inches in trees less than 8" in diameter located within two undisturbed areas (Area 1 & Area 3) located at the Austin Oaks Business Park. In order to provide such an estimate we determined that utilizing sample plots would provide the necessary accuracy.

#### **Methodology:**

In Area 1 we demarked 6 sample plots that best represented the tree population. 3 sample plots were used to estimate total diameter inches of non-invasive species. Each sample plot encompassed 100 sq.ft.. The 3 plots were averaged and extrapolated based on square footage of the area to arrive at the estimate. In order to provide a more accurate estimate, we demarked and calculated the non-wooded grassy areas within Area 1. We then subtracted that measurement from the total sq.ft. provided.

In Area 3 we utilized a combination of sample plots and physically measuring diameter depending on the terrain and accessibility. The portion of Area 3 located along Spicewood Springs Rd. had quite a steep escarpment that was simply too dangerous attempt physical measurements. In this portion of Area 3 we demarked 2 sample plots encompassing 100 sq.ft.. The total diameter inches non-invasive species were counted due to the limited choices of accessible area. In the remainder of Area 3 we simply measured and recorded each tree.

Area 1:

- Sample plot 1- 10'X10'; non-invasive  
15.75" total diameter inches  
Hackberry, Cedar Elm, Mexican buckeye
- Sample plot 2- 10'X10'; non-invasive  
8.25" total diameter inches  
Hackberry, Boxelder
- Sample plot 3- 10'X10'; non-invasive  
20.00" total diameter inches  
Hackberry, Pecan

**Average diameter inches per 100 sq.ft. is 14.67"**

**Total sq.ft. is 41,720**

**Estimated total diameter inches is 6120.32"**

Area 3:

-Physical count areas- noted on map  
186.75" total diameter inches non-invasive  
Live Oak, Cedar Elm, Hackberry, Gum bumelia, Yaupon, Juniper, Texas Persimmon

-Sample plot 7- 5'X20'  
21.00" total diameter inches non-invasive  
Cedar Elm, Hackberry, Ash, Yaupon

-Sample plot 8- 5'X20'  
25.50" total diameter inches non-invasive  
Cedar Elm, Hackberry, Ash, Yaupon

**Average diameter inches per 100 sq.ft.:**

**Non-invasive is 23.25"**

**Total sample area sq.ft. is 3,213**

**Estimated total diameter inches in sample area:**

**Non-invasive is 747.02"**

**Physical count 186.75"**

**Total estimated diameter inches for Area 3:**

**Non-invasive is 933.77"**